

REMARKS

Claims 1-27 were pending. Claims 1-4, 10, 15, 22, and 24-27 have been amended. Claim 28 has been added. Accordingly, claims 1-28 are pending.

Priority

Applicant has requested a certified copy of the priority document to which the present application claims priority and will submit the document at first opportunity.

Rejections

In the present Office Action, claims 1-2, 5, 7, 10, 15-16 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,611,654 (hereinafter "Shteyn"). Claims 22-27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0159150 (hereinafter "Chernock"). Further, claims 3-4 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shteyn in view of U.S. Patent No. 6,108,695 (hereinafter "Chawla"). Finally, claims 8-9, 11-14, 17 and 19-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shteyn in view of Chernock. Applicant respectfully traverses the above rejections and requests reconsideration of the pending claims.

In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicant respectfully submits that each of the claims 1, 15 and 22 recite elements which are not taught, suggested, or implied by the cited art. For example, claims 1 and 15 stand rejected as being anticipated by Shteyn. However, as described below, each of claims 1 and 15 recite features neither taught nor suggested by Shteyn.

For example, claim 1 recites a system comprising:

“an event broker configured to register a plurality of event bookings in response to requests from one or more clients, wherein each said event booking identifies a corresponding event and a corresponding action;
one or more event managers, wherein each of said one or more event managers is configured to detect particular types of events; and
one or more action handlers, wherein each of said one or more action handlers is configured to initiate particular types of actions;
wherein a first event manager of said one or more event managers is configured to notify said event broker of a first event which corresponds to a first event booking, in response to detecting said first event;
wherein the event broker is configured to notify a first action handler which corresponds to the first event booking, in response to receiving notification from the first event manager of the detected first event; and
wherein the first action handler is configured to initiate a first action, in response to receiving notification from the event broker of the detected first event.”

In contrast to the above, Shteyn merely teaches a system for selecting broadcast programs to be recorded wherein the location of the play-out of the recorded program may be selected as well. In the present Office Action (paragraph 3), the examiner identifies the server 104 of Shteyn as corresponding to the recited event broker. In addition, the Office Action goes on to state:

“Server system 104 locates a tuner 106 and a storage system 108 within a region 110 wherein this particular program will be broadcast. Upon having selected storage system 108, the latter is activated to record the program at the time of broadcast” (Col. 2, lines 55-59); where this process constitutes the event manager and the action handler. (Office Action, para. 3). (emphasis added).

Applicant respectfully submits that the above recited “process” does not meet the recited features concerning the event manager(s) and action handler(s). As the claim recites the distinct system elements of an event manager(s) and action handler(s), the statement that a “process” constitutes such elements is not sufficiently definite to inform the Applicant as to how the examiner is attempting to correlate the specifically recited elements to the cited art. Clarification would be greatly appreciated and appropriate. In any event, Applicant submits the cited art does not teach all the features of the recited claim.

Generally speaking, Shteyn teaches “[u]pon having selected storage system 108, the latter is activated to record the program at the time of broadcast.” Consequently, the storage system 108 may be seen to be little more than a simple recording device (e.g., a digital video recorder) which may be programmed to record a program at a particular time. However, the cited art does not include any teachings regarding distinct event managers and action handlers. Further, claim 1 recites the feature “wherein a first event manager of said one or more event managers is configured to notify said event broker of a first event which corresponds to a first event booking, in response to detecting said first event.” However, even assuming the storage system 108 represents an event manager (as seems to be implied by the examiner), there is no teaching or suggestion in Shteyn that the storage system 108 “notify said event broker” (the server system 104 as described in the Office Action) “of a first event which corresponds to a first event booking, in response to detecting said first event.”

Still further, there is no teaching or suggestion in Shteyn of “wherein the event broker is configured to notify a first action handler which corresponds to the first event booking, in response to receiving notification from the first event manager of the detected first event; and wherein the first action handler is configured to initiate a first action, in response to receiving notification from the event broker of the detected first even.” Not only are the distinct broker, event manager, and action handler components not taught as recited, but the recited intercommunication between these components is not taught either. These features are wholly absent from the teachings of the cited art. In addition, as

Shteyn is directed to a system in which components may be separated by relatively large distances, modifying Shteyn to have an event manager convey the recited notifications to the event broker (server 104), which in turn conveys a notification to an action handler, which in turn initiates an action, would be undesirable.

Applicant notes that the Office Action comments regarding prior claim 2 suggest that these features are taught by Shteyn. However, Applicant submits this is not the case. Rather, Shteyn merely teaches that a client 304 notifies a server 104 of a desire to record a particular program for play-out at a particular location. The server 104 then selects the appropriate region 110 for recording the program on a storage system 108. The recorded program is then conveyed to the target client 304. Alternatively, the program may be recorded at the target client 304. These teachings of Shteyn do not teach or suggest all the features of claim 1 are discussed above. Accordingly, claim 1 is patentably distinct over the cited art. Also, as claim 15 includes features similar to that of claim 1, claim 15 is also patentably distinct.

In addition, claim 22 as amended also includes features similar to that of claim 1. Accordingly, claim 22 is patentable over Shteyn. Further, not all of the features recited in claim 22 are taught or suggested by Chernock. As previously noted, in order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Claim 22 recites numerous features which are wholly absent from the teachings of Chernock. Generally speaking, Chernock teaches a system in which program scheduling information may be embedded with a multimedia presentation. A viewer may then actively decide to schedule a recording based on the received information (e.g., via remote control key press), or such a recording may be scheduled based on a viewer's previously entered preferences. In either case, at least one goal of Chernock seems to be to allow the scheduling of recordings without interrupting viewing of a current presentation. However, claim 22 recites a device which includes:

“a signal receiver configured to receive a broadcast signal;

a first event manager, wherein said first event manager is configured to detect particular types of events;
a first action handler, wherein said first action handler is configured to initiate particular types of actions; and
an event broker mechanism, wherein said mechanism is configured to:
receive a request for an event booking, wherein said request identifies a first event and a first action to be taken upon occurrence of said first event;
register said event booking request, wherein said event broker notifies said first event manager and said first action handler;
wherein said first event manager is configured to detect said first event and notify said event broker of said detection of said first event; and
wherein said first action handler is configured to initiate said first action in response to receiving notice from said event broker that said first event has been detected."

Applicant submits that the distinct elements and intercommunications recited in claim 22 are readily distinguished from Chernock. In contrast, Chernock merely provides a block diagram and general description of a set top box (STB) [Fig. 1] and a flow diagram [Fig. 2] of a method for event scheduling based on information embedded in multimedia content. Paragraph 4 of the Office Action suggests that the microprocessor 150 of Chernock acts as a broker and action handler. However, in view of the discussion above, and the distinct elements and intercommunications recited in claim 22, Applicant submits Chernock clearly does not teach "each and every element of the claimed invention." Still further, by way of precaution, Applicant submits the recited features are in no way inherent in Chernock. In order to establish inherency, the evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." Continental Can Co. v. Monsanto Co., 948 F.2d 1264, 1268, 20 U.S.P.Q.2d 1746, 1749 (Fed. Cir. 1991). "Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of

circumstances is not sufficient." Id. at 1269, 20 U.S.P.Q.2d at 1749 (quoting In re Oelrich, 666 F.2d 578, 581, 212 U.S.P.Q. 323, 326 (C.C.P.A. 1981).

Accordingly, Applicant submits each of independent claims 1, 15 and 22 are patentable over the cited art. In addition, because each of dependent claims 2-14, 16-21, and 23-28 include the features of the independent claims upon which they depend, each of the dependent claims are believed patentable as well. Further, Applicant submits the dependent claims recite additional features neither taught nor suggested by the cited art.

For example, claim 2 recites the additional features "wherein said first event manager is not configured to communicate directly with said first action handler." Claim 3 recites the additional features "wherein in response to receiving a request to register said first event booking, said event broker is configured to: identify and select said first event manager from a plurality of event managers, wherein said first event manager is identified as being configured to detect events of a type corresponding to said first event; and identify and select said first action handler from a plurality of action handlers, wherein said first action handler is identified as being configured to initiate actions of a type corresponding to said first action." Claim 10 recites the additional features "wherein subsequent to receiving notice of said first event booking from said event broker, said first event manager is configured to: determine whether the first event booking will be accepted by the first event manager; and provide a positive acknowledgement to said event broker in response to determining the first event booking is accepted."

Still further, claim 11 recites "wherein said event broker is configured to determine resources required by said actions and to resolve resource conflicts between said actions." In the current Office Action (paragraph 7), it is suggested that this feature is inherent in Chernock. In particular, it is stated:

"In regard to claim 11, Chernock discloses the use of ranks structure by which conflict management, of the events and subsequent actions, is inherent."

However, there is no citation to any particular portion of Chernock and Applicant is unsure as to what the examiner is referring. In fact, Applicant can find no teachings in Chernock related to resource conflicts.

Claim 13 recites the “event broker” is configured “to control accesses to said event bookings based on permissions associated with said accesses and said event bookings.” The current Office Action suggests this feature is taught in Chernock by the conditional access controller. However, Chernock in no way suggests that the conditional access component 120 controls access to event bookings based on permissions associated with said accesses and said event bookings. Rather, Chernock merely teaches:

“Shown in FIG. 1 are the specialized hardware components for utilizing MPEG-2 compressed multimedia presentations of STBs and digital televisions. A MPEG-2 demultiplexor 110 accepts the compressed video and audio MPEG-2 stream from the Network Interface Module 100, breaks the stream into its components, and directs these components to the appropriate handling function video decoder 140, audio decoder 130 or microprocessor 150. The conditional access component 120 regulates the demultiplexor 110 processing.” (Chernock, para. 38).

Therefore, Chernock merely teaches the “conditional access component 120 regulates the demultiplexor 110 processing.” There is no teaching or suggestion in Chernock of the event broker controlling access to event bookings based on the recited permissions. As noted in the Description of the current application, “[t]he event broker is further configured to control access to event bookings through a security system which can use privileges or credentials to identify clients which are authorized to read, modify, delete or otherwise access information contained in the event bookings.” Nothing in Chernock resembles this feature.


Should the examiner have any questions or comments, the below signed representative would be happy to discuss them via telephone at (512) 853-8866.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5266-02600/RDR.

Respectfully submitted,



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